

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC DEMOND LOZANO,
TDCJ #1915276
Plaintiff,

v.

BRYAN COLLIER, ET AL.,
Defendants.

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CIVIL ACTION No. 3:18-CV-00237

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Exhibit F

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CIVIL ACTION No. 3:18-CV-00237

AFFIDAVIT OF WARDEN BRIDGETTE HAYES

STATE OF TEXAS

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COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority, on this day personally appeared Bridgette Hayes, and after being first duly sworn according to law, upon her oath, deposed and said:

“My name is Bridgette Hayes, and I am over 21 years of age, of sound mind and capable of making this affidavit. I have personal knowledge of the facts herein stated and all facts and statements are true and correct.

At all times relevant to this suit, I was employed by the Texas Department of Criminal Justice (TDCJ). I am currently employed as the Senior Warden of the A.M. “Mac” Stringfellow Unit (Stringfellow) of TDCJ. I have been employed with TDCJ since April 1991 and the Senior Warden of the Stringfellow Unit since September 2019.

In preparation for making this affidavit regarding Offender Eric Demond Lozano, TDCJ No. 1915276, and *Eric Demond Lozano v. Bryan Collier, et al.*, Cause No. 3:18-CV-00237, I reviewed Offender Lozano’s Original Complaint and his other relevant records.

I understand that Offender Lozano has objections to TDCJ’s religious policies. I have been asked to address certain aspects of these allegations and do so as follows:

I understand that Offender Lozano claims he is unable to pray in his cell because his cellmates try to fight him while he stands, bends over, and kneels during his five daily prayers. Offender Lozano is able to pray in his cell as many times per day as he desires with no interference with TDCJ personnel. As a General Population Level 2 (G2) offender, Offender Lozano is housed with general population in the dormitory housing area. TDCJ custody levels range from G1 to G5, with G1 offenders having the least amount of restrictions on their movement/housing/jobs, and G5 having the most.

In the dormitory area, bunks are separated by dividers that are approximately waist, or 3 feet, high. Exhibit 1, attached, shows that only offenders or officers specifically walking by Offender Lozano’s bunk would know he is praying, unless he is standing. The Stringfellow Unit has over 80

offenders who have a designated faith preference of Muslim, and many of these offenders, and offenders of other religions, pray in the dormitory area regularly.

TDCJ, in endeavoring to rehabilitate offenders, has several steps to attempt to aid offenders avoid violence and threats. First, any threats of violence should be reported to a TDCJ officer so staff may observe and protect the threatened offender if there is any escalation. Then, if an offender continues to feel threatened, they may request a housing change to a different dorm away from any offender who has threatened them. Finally, when an offender feels their life is in jeopardy because of threats or acts of violence, the offender may file an Offender Protection Investigation (OPI) Report, which requires TDCJ officers to investigate the threats, make a finding of credibility, and make a recommendation for a resolution.

Upon review of Offender Lozano's records, he has not filed any housing change requests or OPI Reports during his time at the Stringfellow Unit. There are also no single offender cells at the Stringfellow unit that could permanently house Offender Lozano. All cells which house only one offender at Stringfellow are reserved for temporary use—either for offenders awaiting transfer to a new unit or for offenders with open OPIs that are under investigation.

TDCJ is unable to accommodate Offender Lozano's wish to pray his five daily prayers in a designated area away from his cell without several other concerns arising regarding staffing and time/space. As a G2 offender, Offender Lozano may generally move through the unit unescorted, but he would need a "lay-in" for each prayer time so officers know of his schedule and he can be accounted for throughout the day. The only area which could reasonably accommodate Offender Lozano's request is the Chapel. An officer would be required to be in the Chapel with Offender Lozano during each prayer time because offenders cannot be unsupervised. Because the Stringfellow unit is understaffed (before COVID-19, the unit was consistently 8–10 officers understaffed per shift), requiring an officer to supervise Offender Lozano in the Chapel would strain the already diminished staff and pull the officer away from their current job assignment. Another concern is other activities or meetings which may be scheduled in the Chapel conflicting with the daily prayer schedule. Even activities outside of the Chapel may interfere, such as meal times and recreation.

My understanding is that Offender Lozano also seeks to shower individually or with only Muslim offenders. Pursuant to TDCJ policy, there is a time allotted for Offender Lozano and other Muslim offenders to shower prior to the Jumah religious service each Friday. Jumah is conducted on Fridays, which is the Islamic holy day of the week. As the Senior Warden of the Stringfellow Unit, I have coordinated with Chaplain Watkins, the Unit Chaplain, to establish a time for "Jumah Showers," which is currently from 1130-1200 each Friday, as shown in the Stringfellow Unit 24 Hour Building Schedule.

Although the time and space availability on the Stringfellow Unit, as shown on the Stringfellow Unit 24 Hour Building Schedule, prevents Offender Lozano and other Muslim offenders from only showering individually or with only other Muslim offenders, Offender Lozano may also meet his obligation for modesty and cleanliness during showers by wearing boxers during his shower. As an offender enters the shower room, they enter an area to disrobe. The offender then takes items that he has taken off and walks up to the chest high windows of the clothing issue room next to the shower. At the first window, the offender gives his dirty clothes to the officer at the window. The offender then steps over to the next window and receives clean items. It is a one-for-one exchange. For example, if the offender does not turn in dirty underwear, but only shirt and pants, he receives a clean

shirt and pants. However, if an offender wants to shower in boxer shorts, he may exchange his shirt, pants and socks, get those clean items in exchange and wear his dirty shorts into the showers. Once complete with his shower, he then returns to the clothing issue room window and exchanges his wet boxer shorts for a pair of clean dry shorts. An offender may be issued a clean towel when they come to the shower area and after the offender has showered in his shorts, wrap the towel around his lower half and then remove his shorts. He then exchanges the wet shorts for a pair of clean, dry shorts.

The above opinions are based upon my review of Offender Lozano's Original Complaint, my review of his records, and my own experience as an employee of TDCJ. I reserve the right to amend this affidavit should additional information become available.

In witness whereof, I have hereto set my hand in this the 16 day of June, 2020.

Further affiant sayeth not."

Bridgette Hayes

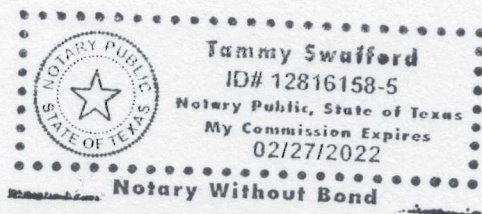
BRIDGETTE HAYES

Senior Warden

A.M. "Mac" Stringfellow Unit

Texas Department of Criminal Justice

SWORN TO AND SUBSCRIBED BEFORE ME on this 16 day of June, 2020, to certify which witness my hand and seal of office.



Dany Swafford

Notary Public, State of Texas

Tammy Swafford

Notary's printed name



Exhibit 1

Lozano - 000067

